

**REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

**I. STATUS OF CLAIMS AND FORMAL MATTERS**

Claims 3 and 4 are pending. Claims 1 and 2 are cancelled, and claims 3 and 4 are added, without prejudice.

No new matter has been added by these amendments.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments and remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments and remarks are made simply for clarification. Support for new claims 3 and 4 is found throughout the specification, for example on pages 27 to 30.

**II. 35 U.S.C. §102 REJECTION**

Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,754,682 to Katoh.

The cancellation of claims 1 and 2, and the addition of new claims 3 and 4, render the rejection moot. Further, the rejection is traversed. The elements in claims 3 and 4 are absent in the portions of the Katoh patent cited in the Office Action.

The present invention is directed to, for example, an image-processing apparatus and method for processing the image data input from an image-handling device and then outputting

the image data to another image device, comprising black-adaptation correction means for correcting image data. The black adaptation correction means uses a XYZ coordinate of a black point and a XYZ coordinate of a white point. Similarly, the instantly claimed method corrects image data by uses a XYZ coordinate of a black point and a XYZ coordinate of a white point. Applying the law to the instant facts, the portions of the Katoh patent cited by the Examiner does not disclose nor enable such an invention.

Katoh relates to coincidence between a hard copy picture and a soft copy picture. Katoh considers the data processing between “device non-dependent data” and “visual environment non-dependent data.” More specifically, Katoh considers a conversion based on a chromatic adaptation model. Such a conversion involves three steps: correction of contrast; conversion of a tristimulus value to a cone signal; and correction of chromatic adaptation. Column 9, line 8-41, as cited in the Office Action, relates to correction of contrast of a conversion based on a chromatic adaptation model.

Katoh, however, fails to disclose and enable applying a black adaptation conversion  $X_s Y_s Z_s$  to  $X_{s,k} Y_{s,k} Z_{s,k}$  in order to determine optical color space  $X_{op} Y_{op} Z_{op}$  such that the colors of the images produced by the image-handling devices are similar. Thus, the Section 102 rejection must fail as a matter of law.

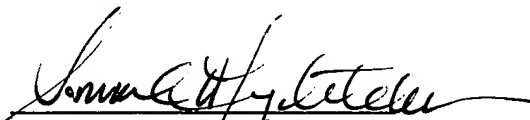
Consequently, reconsideration and withdrawal of the Section 102 rejection is respectfully requested.

**CONCLUSION**

Claims 3 and 4 should be allowed and this application is in condition for allowance.  
Favorable reconsideration of the application, withdrawal of the rejections and objections, and prompt issuance of the Notice of Allowance are, therefore, all earnestly solicited.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:



Samuel H. Megerditchian

Reg. No. 45,678

Tel: (212) 588-0800

Fax: (212) 588-0500